

United States Court of Appeals
FOR THE DISTRICT OF COLUMBIA CIRCUIT

No. 09-1322

September Term 2010

EPA-74FR66496

EPA-75FR49556

Filed On: December 10, 2010

Coalition for Responsible Regulation, Inc., et al.,

Petitioners

v.

Environmental Protection Agency,

Respondent

Consolidated with 10-1024, 10-1025, 10-1026,
10-1030, 10-1035, 10-1036, 10-1037, 10-1038,
10-1039, 10-1040, 10-1041, 10-1042, 10-1044,
10-1045, 10-1046, 10-1234, 10-1235, 10-1239,
10-1245, 10-1281, 10-1310, 10-1318, 10-1319,
10-1320, 10-1321

No. 10-1073

Coalition for Responsible Regulation, Inc., et al.,

Petitioners

v.

Environmental Protection Agency,

Respondent

Consolidated with 10-1083, 10-1099, 10-1109,
10-1110, 10-1114, 10-1115, 10-1118, 10-1119,
10-1120, 10-1122, 10-1123, 10-1124, 10-1125,
10-1126, 10-1127, 10-1128, 10-1129, 10-1131,
10-1132, 10-1145, 10-1147, 10-1148, 10-1199,
10-1200, 10-1201, 10-1202, 10-1203, 10-1205,
10-1206, 10-1207, 10-1208, 10-1209, 10-1210,
10-1211, 10-1212, 10-1213, 10-1215, 10-1216,
10-1218, 10-1219, 10-1220, 10-1221, 10-1222

United States Court of Appeals
FOR THE DISTRICT OF COLUMBIA CIRCUIT

No. 09-1322

September Term 2010

No. 10-1092

Coalition for Responsible Regulation, Inc., et al.,

Petitioners

v.

Environmental Protection Agency,

Respondent

Consolidated with 10-1094, 10-1134, 10-1143,
10-1144, 10-1152, 10-1156, 10-1158, 10-1159,
10-1160, 10-1161, 10-1162, 10-1163, 10-1164,
10-1166, 10-1172, 10-1182

BEFORE: Ginsburg, Tatel, and Brown, Circuit Judges

ORDER

Upon consideration of the motions to stay, the response thereto, and the replies; the motion for leave to file a response, the opposition thereto, and the reply; the motion for leave to file declarations under seal; the motion to file a sur-reply, the response thereto, and the reply; the motion for coordination of related cases, the responses thereto, and the reply; and the Rule 28(j) letters and responses thereto, it is

ORDERED that the motion for leave to file a response be granted. The Clerk is directed to file the lodged response of the Chamber of Commerce of the United States of America. It is

FURTHER ORDERED that the motion to file declarations under seal be granted. It is

FURTHER ORDERED that the motion to file a sur-reply be granted. The Clerk is directed to file the lodged sur-reply. It is

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FURTHER ORDERED that the motions to stay be denied. Petitioners have not satisfied the stringent standards required for a stay pending court review. See Washington Metro. Area Transit Comm'n v. Holiday Tours, Inc., 559 F.2d 841, 843 (D.C. Cir. 1977); D.C. Circuit Handbook of Practice and Internal Procedures 32 (2010). Specifically, with regard to each of the challenged rules, petitioners have not shown that the harms they allege are "certain," rather than speculative, or that the "alleged harm[s] will directly result from the action[s] which the movant[s] seeks to enjoin." Wisconsin Gas Co. v. FERC, 758 F.2d 669, 674 (D.C. Cir. 1985) (per curiam). It is

FURTHER ORDERED that these cases be scheduled for oral argument on the same day before the same panel.

Per Curiam

FOR THE COURT:
Mark J. Langer, Clerk

BY: /s/
Ken R. Meadows
Deputy Clerk